

TO: Chairman and Members

DATE: January 13, 2011

**SUBJECT: Merced County Probation
Iris Garrett Juvenile Justice Complex**

AGENDA ITEM: D

RESOURCE PERSON: Field Representative Steve Keithley

**ACTION: X
INFORMATION:**

Summary:

The Corrections Standards Authority (CSA) is mandated by Section 209, Welfare and Institutions Code (WIC) to biennially inspect all juvenile halls and special purpose juvenile halls. Title 15 Section 1313, California Code of Regulations (CCR) further mandates each facility administrator to obtain local specialized inspections including building safety, nutrition, fire safety, medical and mental health conditions. These local inspections are conducted by local experts and are incorporated in CSA's overall inspection product. In the event a juvenile hall or special purpose juvenile hall is found out of compliance with one or more of the minimum standards for juvenile facilities contained within Titles 15 or 24, CCR, the juvenile hall or special purpose juvenile hall is required to file a Corrective Action Plan (CAP) within 60 days of having received notice from CSA of noncompliance. The county then has a period, not to exceed 90 days, to resolve the issue(s) of noncompliance. If the juvenile hall or special purpose juvenile hall fails to meet its commitment to resolve the issue(s) as outlined in its CAP, CSA shall make a determination of suitability at its next scheduled meeting.

Merced County was notified of two noncompliant items discovered during the nutritional inspection conducted by the Merced County Health Authority. Although the items were corrected within the prescribed timelines, the county health authority did not certify the corrections within the time allowed by statute. Since the areas of noncompliance were not certified as remedied within the statutory timeline, Section 209(d) WIC requires them to be presented to the CSA Board for a determination of suitability.

Background:

The Merced County Department of Public Health staff conducted the annual health inspection of the Iris Garrett Juvenile Justice complex. Its report documented two items of non-compliance: Title 15 Section 1461 limiting the fat content of the meals and Section 1463 requiring a dietician's certification of the menu.

CSA staff conducted its biennial inspection in February 23-24, 2010 and noted no further areas of non-compliance. The CSA report, incorporating the Public Health report, was mailed to Chief Probation Officer Brian Cooley on June 22, 2010. Copies were provided to the Presiding Judge, the Chair of the Board of Supervisors, the County Administrative Officer, the Chair of the Juvenile Justice Commission and the Chair of the county Grand Jury. The report identified the areas of non-compliance and cited Section 209(d) WIC which mandates corrective actions and sets milestone dates for completion. Specifically, the report informed the County that a corrective action plan was required to be filed at CSA within 60 days of the county's receipt of the report. Section 209(d)

further mandates that all corrections be complete within 90 days of CSA's receipt of the Corrective Action Plan. Finally, the report discussed being deemed unsuitable to house minors if the agency failed to take corrective action.

On August 18, 2010 (within the initial 60-day requirement to submit a corrective action plan), Chief Probation Officer Brian Cooley authored a letter to CSA which detailed their corrective action. Further, he stated that the corrective action had already been taken and both items of non-compliance had been corrected. Chief Probation Officer Cooley's letter did not include certification from the Public Health staff (the agency that originally found the Justice Complex non-compliant). Section 209(d) allows the county a maximum of 90 days to correct all non-compliant issues after CSA's receipt of the corrective action plan. Final correction was therefore required prior to November 16, 2010.

By October 12, 2010, CSA had not yet received certification of correction from the Public Health Department. CSA staff sent copies of the contract dietitian's report and written reminders to both the Public Health Department and the Chief Probation Officer.

On December 8, 2010, CSA staff received written certification that the actions taken by the Probation Department in August, 2010, had resolved the areas of non-compliance. Although the Corrective Action Plan and the corrections were completed prior to their respective deadlines, the proof of those corrections arrived on December 8, 2010, after the statutory limit of 90 days (November 16, 2010).

At this time, all areas of noncompliance have been corrected for the 2008/10 inspection cycle.

Recommendation/Action Needed:

Staff recommends:

1. That the CSA Board makes a determination of suitability for the Merced County Juvenile Justice Complex.